

Group III. Claims 19-23, drawn to a method of purifying aqueous solutions,  
classified in class 210, subclass 600.

The Examiner alleges that each of the above groups defines a distinct invention.

The Examiner states that the inventions of Groups I and II are related as (i) product and (ii) process of making that product, and alleges that the product of Group I can be made by a process different from that of Group II. In particular, the Examiner claims that the product of Group I can be produced by acidification and centrifugation of pulverized plant parts followed by encapsulation within a silica matrix (Office Action, p. 2). Applicant notes that the Office Action does not state that the process of Group II can be used to make another materially different product. See M.P.E.P. § 806.05(f). Indeed, the process of Group II requires a product encompassed within the scope of the invention of Group I.

Also, the Examiner states that the inventions of Groups I and III are related as (i) product and (ii) process of using that product, and alleges that the product can be used for a process different from that of Group III, such as for biocidal treatment of an aquaculture. Further, the Examiner states that the inventions of Groups II and III demonstrate two-way distinctness, such that the two methods require different steps.

Applicant respectfully traverses and, as required by 37 C.F.R. § 1.143, indicates a provisional election of one invention for prosecution, hereby electing the claims of Group I, *i.e.*, Claims 1-6, which relate to a novel agropolymer.

The Office Action also asserts that the inventions of Groups I, II and III are distinct because each has acquired a separate status in the art as shown by their different classifications. Nevertheless, there are two criteria for a proper requirement for restriction: (1) the inventions must be independent or distinct as claimed; and (2) a search and examination of the claims would necessarily impose a serious burden on the examiner. M.P.E.P. § 803. Indeed, if the search and examination of an entire application can be made without serious burden, the examiner must examine all claims on the merits, even though the application includes claims to independent or distinct inventions.

M.P.E.P. § 803.

Applicant respectfully asserts that examination of the entire scope of Claims 1-23 would not impose a serious burden on the Examiner. The product claims of Group I and the process claims of Groups II and III are so intimately related such that searching and examining the claims together would not pose a serious burden.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement in accordance with 37 C.F.R. §1.143.

Applicant hereby preserves his right of petition from requirement for restriction under 37 C.F.R. § 1.144.